

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALBERT KENT,

Plaintiff,

v.

UNITED STATES POST OFFICE and
JOHN E. POTTER as Postmaster General,

Defendants.

Civil Action No.: 05-CV-1390 (JLL)

**ORDER ADOPTING
JANUARY 1, 2006
REPORT AND RECOMMENDATION**

LINARES, District Judge.

This Court had referred Defendants' motion to dismiss [Docket #11] Plaintiff's complaint for failure to comply with Fed. R. Civ. P. 8 and for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) and Plaintiff's cross-motion to amend his complaint [Docket #18] to the Honorable Ronald J. Hedges, United States Magistrate Judge, pursuant to 28 U.S.C. § 636 (b)(1)(B). Magistrate Judge Hedges filed a Report and Recommendation on Defendants' motion on January 5, 2006. Having reviewed *de novo* the Report and Recommendation of January 5, 2006, and having considered Defendants' objections to the Report, this Court adopts Magistrate Judge Hedges January 1, 2006 Report and Recommendation as the Opinion of this Court and grants Plaintiff's motion to amend the complaint and dismisses all claims from the Complaint except for those arising under the Rehabilitation Act, 29 U.S.C. §§ 791, *et seq.* Further, this Court also concludes that since the Plaintiff's only remaining cause of action arises under the Rehabilitation Act, the United States Post Office is no longer a properly named defendant and shall be dismissed.

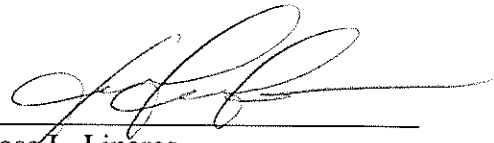
IT IS on this 31st day of January, 2006,

ORDERED that the Report and Recommendation of Magistrate Judge Hedges filed January 1, 2006, recommending that Defendants' motion to dismiss [Docket #11] be granted in part is hereby ADOPTED as the findings of fact and conclusions of law of this Court; and it is further

ORDERED that the Report and Recommendation of Magistrate Judge Hedges filed January 1, 2006, recommending that Plaintiff's motion to amend the complaint [Docket #18] be granted is hereby ADOPTED as the findings of fact and conclusions of law of this Court; and it is further

ORDERED that Defendant United States Post Office is hereby dismissed from this case.

DATED: January 31, 2006



Jose L. Linares
United States District Judge